

REMARKS

The Office Action contends that claims 10 to 22 lack unity of invention. Applicants respectfully disagree for the following reasons and respectfully traverse the restriction requirement.

Claims fully comply with the unity of invention requirement where they are so linked as to form a single general inventive concept, i.e., there is a technical relationship that involves at least one common or corresponding special technical feature, i.e., those technical features that define the contribution which each invention, considered as a whole, makes over the prior art. Thus, a determination as to whether claims comply with the unity of invention requirement requires consideration of prior art and contributions of the claims over the prior art. In the present Office Action, there is no indication whatsoever that the questions of whether the claims form a single general inventive concept or whether there is a technical relationship between the claims that involves at least one common or corresponding technical feature have been considered, as they must for a proper unity of invention analysis. Quite the contrary. The Office Action merely repeats the statement included in the previous Office Action that "[t]he measuring system can utilize different methods to test for correct functionality of the system." Whether or not "[t]he measuring system can utilize different methods to test for correct functionality of the system" is entirely irrelevant to the question of whether the present application complies with the unity of invention requirement. This is because there has been no apparent consideration as to whether the claims form a single general inventive concept or whether there is a technical relationship between the claims that involves at least one common or corresponding technical feature. It should be noted that unity of invention was not found to be lacking in the underlying PCT application, i.e., PCT/EP03/09796.

For all of the foregoing reasons, it is respectfully submitted that the present application fully complies with the unity of invention requirement. As such, the restriction requirement is hereby traversed, and withdrawal of the restriction requirement is respectfully requested.

Notwithstanding the foregoing, and to the extent that the present restriction requirement may be maintained, Applicants elect, with traverse, Group II, i.e., claims 15 to 21, for further prosecution on the merits.

No fee is believed to be required in connection with this paper.
However, if any fee is required, the Director is hereby authorized to charge any and all such fees to the deposit account of Kenyon & Kenyon LLP. Deposit Account No. 11-0600.

Respectfully submitted,

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